

REMARKS

Claims 1, 3-7, 10, 16, 17, 19, 21-23, and 29 are currently pending in the subject application, and are presently under consideration. Claims 16, 17, and 29 are allowed. Claims 1, 3-7, 10, 19, and 21-23 are rejected. Claims 3 and 10 have been amended for clarity. Favorable reconsideration of the application is requested in view of the comments herein.

In addition, Representative for Applicant respectfully submits that the finality of the Office Action dated January 23, 2006 (hereinafter "Office Action"), is improper. The Examiner states that the rejection in the Office Action is "made final as necessitated by Applicant's amendment to non-final Office Action dated January 11, 2005, thus requiring in part a new grounds for rejection." (Office Action, page 2). Representative for Applicant respectfully disagrees with Examiner's statement.

Following the submission of a response to the Office Action dated January 11, 2005, a final Office Action was issued on July 12, 2005. Upon Representative for Applicant responding to the final Office Action dated July 12, 2005, Examiner issued an Advisory Action dated September 28, 2005, and a subsequent Advisory Action dated December 16, 2005. In the subsequent Advisory Action, Examiner advised Representative for Applicant of a number of claims that would be allowable upon re-writing them in independent form. Representative for Applicant complied to put the claims into an allowable form. Subsequently, Examiner issued the present Final Office Action with a rejection based on new prior art references.

Representative for Applicant respectfully submits that the finality of the Office Action is improper as Representative for Applicant has had no prior opportunity to address the new references in view of the current claims. Furthermore, the amendments made to the claims in the response to the Advisory Action dated December 16, 2005 were entered, and are currently pending. However, the current claims were not amended to be placed in the same form as the amendments made to the claims in the non-final Office Action dated January 11, 2005, and thus a new final rejection on the current claims cannot properly be necessitated by the amendment made to the claims in the non-final Office Action dated January 11, 2005. Accordingly, the finality of the present Office Action is improper. Withdrawal of the finality of the Office Action

is respectfully requested.

I. Interview Summary

Representative for Applicant thanks Examiner's supervisor, Ricky Ngo, for the telephone interview conducted on March 21, 2006. In the interview, Representative for Applicant requested withdrawal of the finality of the Office Action. Representative for Applicant and Supervisor Ngo did not agree upon the issue of the finality of the Office Action. However, Supervisor Ngo and Representative for Applicant agreed that inclusion of the claim element "the amount of delay being variably controlled by the output of the low pass filter, where the low pass filter receives the data rate as an input" into claims 1 and 6 would make claims 1 and 6 sufficiently allowed over the prior art. However, Representative for Applicant feels that such an amendment is not necessary to overcome the prior art in view of the remarks entered below.

II. Rejection of Claims 1, 3, 4, 19, 22, and 23 Under 35 U.S.C. §102(e)

Claims 1, 3, 4, 19, 22, and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2001/0008530 A1 to Okamoto ("Okamoto"). It is respectfully submitted that claim 23 depends from claim 6, which has not been rejected as being anticipated by Okamoto. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 recites determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table. Okamoto discloses a packet shaper that allows an arbitrary transmission time and simultaneous transmission of a plurality of packets (Abstract). The Office Action dated January 23, 2006 ("Office Action") asserts that this claim element is taught by Okamoto by stating that "the data is scheduled based on time stored in the table," (Office Action, page 4; citing Okamoto, page 2, paragraph 20). Representative for Applicant respectfully disagrees.

Okamoto teaches that a scheduling request section calculates an ideal transmission time for a given packet based on its traffic parameter (Okamoto, page 3, paragraph 44). The network

determines that a packet is to be delayed based on whether a flow number retrieved from a traffic parameter table is against the given traffic parameter (Okamoto, page 4, paragraphs 59 and 60). The traffic parameter is used by network users to declare a necessary network resource, and network providers form a network based on the traffic declared by users (Okamoto, page 1, paragraph 5). The transmission time for the given packet is stored in a content addressable memory (CAM) (Okamoto, FIG. 2; page 4, paragraph 67). Therefore, Okamoto does not teach determining an amount of time that selected data is stored in memory buffers based on an amount of delay stored in a configuration table, as recited in claim 1, but instead teaches that a release time is calculated for each packet individually based on the packet's traffic parameter. Even assuming that the traffic parameter table can be considered a configuration table, the traffic parameter table does not store an amount of delay, but instead stores the flow number used to determine whether a packet is to be delayed, and the network resource declared by the user for which the ideal transmission time is calculated.

In addition, the section of Okamoto cited by the Office Action does not describe a table in which time is stored. It is assumed by Representative for Applicant that the Office Action refers to the table stored in the CAM, as the CAM contains the only table taught by Okamoto that stores a time. However, the times stored in the CAM are transmission times of packets, and are not amounts of delay. The transmission times in the CAM represent the time at which the packets are to be released by the buffers. Therefore, data is not scheduled based on time stored in the CAM, as asserted by the Office Action. Instead, the time stored in the CAM for a given packet is a scheduled time of release of a packet. Thus, the time stored in the CAM is not used to schedule the packet because the packet has already been scheduled.

For at least the reasons stated above, Okamoto does not anticipate claim 1. Withdrawal of the rejection of claim 1, as well as claims 3-5, 19, 21, and 22 which depend therefrom, is respectfully requested.

Claim 3 has been amended for clarity and recites that the fixed delay amount is stored in the configuration table, and said delay device consults the configuration table to determine when to release the selected data from the memory buffers. Claim 3 depends from claim 1, and should

be allowed for at least the reasons described above regarding claim 1. In addition, the Office Action states that "the fixed delay amount is stored in either the CAM or the packet management table." (Office Action, page 4). Representative for Applicant respectfully disagrees. As described above with regard to claim 1, Okamoto does not teach a table that stores a fixed delay amount for determining the amount of time the selected data is stored in the memory buffers. The CAM does not store a fixed delay amount of time, but instead stores the transmission time for the packet after the transmission time has been calculated (see Okamoto, FIG. 2; page 4, paragraph 67). The packet management table is a table for storing linkage information indicating a linkage of a plurality of packets that are to be transmitted at a same scheduled transmission time (Okamoto, page 2, paragraph 22). It is used to order and manage packets to be transmitted at the same time (Okamoto, FIG. 3 and 4; page 3, paragraph 51). The packet management table does not store a time at all. Therefore, Okamoto does not teach that the fixed delay amount is stored in a configuration table, and that a delay device consults the configuration table to determine when to release the selected data from the memory buffers, as recited in claim 3. Accordingly, Okamoto does not anticipate claim 3. Withdrawal of the rejection of claim 3 is respectfully requested.

Claim 19 recites determining the selected data of the data stream by employing a packet selection list that indicates which of the data packets are to be the delayed selected data. Claim 19 depends from claim 1, and should be allowed for at least the reasons described above regarding claim 1. In addition, as described above regarding claim 1, Okamoto teaches that, upon receiving a packet, the network determines that the packet is to be delayed based on whether a flow number retrieved from a traffic parameter table is against the given traffic parameter (Okamoto, page 4, paragraphs 59 and 60). According to Okamoto, because the determination is made to delay the packet upon receiving the packet, there is no packet selection list that indicates which of the data packets are to be the delayed selected data. Therefore, Okamoto does not teach a packet selection list that indicates which of the data packets are to be the delayed selected data, as recited in claim 19. Accordingly, Okamoto does not anticipate claim 19. Withdrawal of the rejection of claim 19 is respectfully requested.

Claim 22 recites storing a release time in the memory buffers along with the selected data, the release time corresponding to a time at which the selected data is to be released from the memory buffers. Claim 22 depends from claim 1, and should be allowed for at least the reasons described above regarding claim 1. In addition, the Office Action asserts that Okamoto teaches this element by stating that "the release time is the scheduled time." (Office Action, page 4). Representative for Applicant respectfully submits that the rejection of claim 22 is deficient as this assertion does not adequately address the language of claim 22. Representative for Applicant further respectfully submits that Okamoto does not teach claim 22. Okamoto teaches that the packets are stored in a packet buffer (see Okamoto, FIG. 1, reference 20; page 3, paragraphs 43 and 51). This is also acknowledged by the Office Action (at page 3). However, as described above regarding claim 1, Okamoto teaches that the transmission time for the given packet is stored in a CAM (Okamoto, FIG. 2; page 4, paragraph 67). Because Okamoto teaches that packets are stored in a packet buffer and transmission times are stored in a CAM, Okamoto does not teach storing a release time in the memory buffers along with the selected data, the release time corresponding to a time at which the selected data is to be released from the memory buffers, as recited in claim 22. Accordingly, Okamoto does not anticipate claim 22. Withdrawal of the rejection of claim 22 is respectfully requested.

For the reasons described above, claims 1, 3, 4, 19, and 22 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1, 3, 4, 6, 7, 10, 19, and 21-23 Under 35 U.S.C. §102(e)

Claims 1, 3, 4, 6, 7, 10, 19, and 21-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,912,225 B1 to Kohzuki, et al. ("Kohzuki"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 recites delaying selected data of the data stream in said network by storing the selected data in memory buffers for a fixed delay amount to control the data rate to increase latency of the network, and determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table. The Office Action

asserts that the fixed delay recited in claim 1 is taught by the scheduling time stored in the scheduled transmission time storage of Kohzuki (Office Action, page 5). Representative for Applicant respectfully disagrees.

Kohzuki teaches a packet forwarding device with a shaping unit provided with queues for storing high priority packets and queues for storing low priority packets (Kohzuki, Abstract). When a packet is received, it is determined whether the packet is a priority packet or a non-priority packet (Kohzuki, col. 8, ll. 11-14). The packet is stored in a packet buffer, and the system determines a transmission time (Kohzuki, col. 6, line 66 through col. 7, line 13 and col. 8, ll. 21-31). Packets are queued, and thus transmitted, based on packet priority (Kohzuki, col. 6, ll. 30-43). The system consults flags for a given queue to determine if transmission of the packet from a given queue is acceptable at a given instance in time based on whether packets are already queued (Kohzuki, col. 8, ll. 35-46). If a time validity flag is set, but the stored scheduled transmission time has already passed compared to the present time, the scheduled transmission time is updated (Kohzuki, col. 8, ll. 46-56). Therefore, because of the priority of received packets and interactions of the flags, data can remain in the packet buffer past the scheduled transmission time, thus necessitating updating of the scheduled transmission time. Thus, Kohzuki teaches that the scheduled transmission time stored for a given packet is not fixed. Therefore, Kohzuki does not teach delaying selected data of the data stream in said network by storing the selected data in memory buffers for a fixed delay amount, as recited in claim 1.

In addition, the Office Action asserts Kohzuki teaches determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table by stating that "the data is scheduled based on time stored in the time storage 12," (Office Action, page 5; citing Kohzuki, col. 6, ll. 26-55). Representative for Applicant respectfully disagrees.

Kohzuki teaches that a scheduled transmission time storage stores a transmission time, a packet validity flag, and a time validity flag for each queue (Kohzuki, FIG. 1; reference 12; FIG. 6; col. 7, ll. 36-41). The transmission time is a time at which the packet is to be released from the packet shaper by a packet read-out circuit (Kohzuki, col. 6, ll. 48-52). Thus, the scheduled

transmission time storage does not store an amount of delay, but instead stores a time at which the packet is to be released. Therefore, data is not scheduled based on time stored in the scheduled transmission time storage, as asserted by the Office Action. Instead, the time stored in the scheduled transmission time storage for a given packet is a scheduled time of release of a packet. Thus, the time stored in the scheduled transmission time storage is not used to schedule the packet because the packet has already been scheduled. Accordingly, Kohzuki does not teach determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table, as recited in claim 1.

For at least the reasons stated above, Kohzuki does not anticipate claim 1. Withdrawal of the rejection of claim 1, as well as claims 3-5, 19, 21, and 22 which depend therefrom, is respectfully requested.

Claim 3 has been amended for clarity and recites that the fixed delay amount is stored in the configuration table, and said delay device consults the configuration table to determine when to release the selected data from the memory buffers. Claim 3 depends from claim 1, and should be allowed for at least the reasons described above regarding claim 1. In addition, the Office Action states that "the fixed delay amount is stored in scheduled transmission time storage 12 which is consulted to release the selected data from packet buffers." (Office Action, page 5). Representative for Applicant respectfully disagrees. As described above with regard to claim 1, Kohzuki does not teach a table that stores a fixed delay amount for determining the amount of time the selected data is stored in the memory buffers. Kohzuki does not teach that a packet is delayed for a fixed delay amount (see Kohzuki, col. 8, ll. 46-56). In addition, Kohzuki teaches that the transmission time stored in the scheduled transmission time storage is a time at which the packet is to be released from the packet shaper by a packet read-out circuit (Kohzuki, col. 6, ll. 48-52). Thus, the scheduled transmission time storage does not store an amount of delay, but instead stores a time at which the packet is to be released. Therefore, Kohzuki does not teach that the fixed delay amount is stored in a configuration table, and that a delay device consults the configuration table to determine when to release the selected data from the memory buffers, as

recited in claim 3. Accordingly, Kohzuki does not anticipate claim 3. Withdrawal of the rejection of claim 3 is respectfully requested.

Claim 6 recites a delay processor for controlling the data rate in said network, the delay processor being operative to store data packets in a plurality of memory buffers for a fixed amount of time and releasing the data packets after the fixed amount of time to increase latency of the network. Claim 6 also recites that the delay processor comprises a clock circuit and a controller operative to determine the fixed amount of time the data packets are stored in the memory buffers based on an amount of delay stored in a configuration table. For at least the reasons stated above regarding claim 1, Kohzuki does not anticipate claim 6.

In addition, claim 6 further recites that the controller is further operative to store a release time in the memory buffers along with the data packets, the release time corresponding to a time at which the data packets are to be released from the memory buffers by the controller. Kohzuki teaches that the packets are stored in a packet buffer (Kohzuki, FIG. 1, reference 10; col. 8, ll. 21-31). Kohzuki also teaches that a scheduled transmission time storage stores a transmission time, a packet validity flag, and a time validity flag for each queue (Kohzuki, FIG. 1; reference 12; FIG. 6; col. 7, ll. 36-41). Kohzuki thus teaches that the packets to be released and the packet transmission time are stored in separate memory buffers, and thus does not teach that the packets to be released and the packet transmission time are stored in the same memory buffers. Therefore, Kohzuki does not teach that the controller is operative to store a release time in the memory buffers along with the data packets, the release time corresponding to a time at which the data packets are to be released from the memory buffers by the controller, as recited in claim 6. Accordingly, Kohzuki does not anticipate claim 6. Withdrawal of the rejection of claim 6, as well as claims 7, 10, and 23 which depend therefrom, is respectfully requested.

Claim 10 has been amended for clarity and recites that the fixed delay amount is stored in the configuration table, the delay processor consulting the configuration table to determine when to release the data packets from the memory buffers. Claim 10 depends from claim 6, and should be allowed for at least the reasons described above regarding claim 6. In addition, for the

reasons described above regarding claim 3, claim 10 is also not anticipated by Kohzuki. Withdrawal of the rejection of claim 10 is respectfully requested.

Claim 21 recites updating the configuration table to change the amount of delay stored in the configuration table upon the delay device receiving a configuration table packet. Claim 21 depends from claim 1, and should be allowed for at least the reasons described above regarding claim 1. In addition, the Office Action asserts that "one example of a configuration table packet is a packet which is updated based on the previous flag value set in the table which determines whether the scheduled time needs to be updated or not." (Office Action, page 6; citing Kohzuki, col. 8, ll. 33-46). Representative for Applicant respectfully disagrees. Kohzuki teaches that the flag values and the scheduled time updates are performed via control signals within the packet shaper (see Kohzuki, FIG. 1, bottom right corner). Neither the cited section, nor anywhere else in Kohzuki, teaches that a packet is used to update an amount of delay stored in a configuration table. Kohzuki teaches that any packets received by the shaper are queued and released as data packets. Therefore, Kohzuki does not teach updating the configuration table to change the amount of delay stored in the configuration table upon the delay device receiving a configuration table packet, as recited in claim 21. Accordingly, Kohzuki does not anticipate claim 21.

Withdrawal of the rejection of claim 21 is respectfully requested.

Claim 22 recites storing a release time in the memory buffers along with the selected data, the release time corresponding to a time at which the selected data is to be released from the memory buffers. Claim 22 depends from claim 1, and should be allowed for at least the reasons described above regarding claim 1. In addition, for the reasons described above regarding claim 6, claim 22 is also not anticipated by Kohzuki. Withdrawal of the rejection of claim 22 is respectfully requested.

For the reasons described above, claims 1, 3, 4, 6, 7, 10, 19, and 21-23 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 5, 6, 7, and 10 Under 35 U.S.C. §103(a)

Claims 5, 6, 7, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Okamoto in view of U.S. Patent No. 6,732,168 B1 to Bearden, et al. ("Bearden"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 5 depends from amended claim 1. As described above, Okamoto does not teach determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table, as recited in claim 1. The addition of Bearden does not cure the deficiencies of Okamoto to teach or suggest claim 1. The Office Action relies on Bearden to teach a client processor, a server processor, and a router (Office Action, page 7). However, neither Okamoto nor Bearden, individually or in combination, teach or suggest claim 1 from which claim 5 depends. Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

Claim 6 recites a delay processor comprising a clock circuit and a controller operative to determine the fixed amount of time the data packets are stored in the memory buffers based on an amount of delay stored in a configuration table. As described above regarding claim 1, Okamoto does not teach determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table. Therefore, Okamoto does not teach a delay processor comprising a clock circuit and a controller operative to determine the fixed amount of time the data packets are stored in the memory buffers based on an amount of delay stored in a configuration table, as recited in claim 6.

In addition, claim 6 recites that the controller is further operative to store a release time in the memory buffers along with the data packets, the release time corresponding to a time at which the data packets are to be released from the memory buffers by the controller. The Office Action asserts that "the packet management table stores a linkage between the scheduled packets and a packet release time thus teaching a reasonable but broad interpretation of a release time in memory buffers in light of applicant's specification." (Office Action, page 7; citing Okamoto, page 2, paragraph 22). Representative for Applicant respectfully disagrees. Okamoto teaches that the packets are stored in a packet buffer (see Okamoto, FIG. 1, reference 20; page 3,

paragraphs 43 and 51). However, as described above regarding claim 1, Okamoto teaches that the transmission time for the given packet is stored in a CAM (Okamoto, FIG. 2; page 4, paragraph 67). Okamoto thus teaches that packets are stored in a packet buffer and transmission times are stored in a CAM. The linkage provided by the packet management table is to order and manage packets to be transmitted at the same time (Okamoto, FIG. 3 and 4; page 3, paragraph 51). It is based on packets having the same flow number, with the flow number being used to address the CAM to determine the release time stored in the CAM for packets of that flow number (see Okamoto, page 3, paragraphs 47-51). The packet management table does not store a time. It is respectfully submitted that such a linkage does not reasonably demonstrate that Okamoto teaches storing the release time for packets and the packets themselves in the same memory buffers. Therefore, Okamoto does not teach storing a release time in the memory buffers along with the selected data, the release time corresponding to a time at which the selected data is to be released from the memory buffers, as recited in claim 6. Accordingly, neither Okamoto nor Bearden, individually or in combination, teaches or suggests claim 6. Withdrawal of the rejection of claim 6, as well as claims 7, 10, and 23 which depend therefrom, is respectfully requested.

Claim 10 has been amended for clarity and recites that the fixed delay amount is stored in the configuration table, the delay processor consulting the configuration table to determine when to release the data packets from the memory buffers. Claim 10 depends from claim 6, and should be allowed for at least the reasons described above regarding claim 6. In addition, as described above regarding claim 3, Okamoto does not teach that the fixed delay amount is stored in a configuration table, and that a delay device consults the configuration table to determine when to release the selected data from the memory buffers, as recited in claim 3. The addition of Bearden does not cure the deficiencies of Okamoto to teach or suggest claim 10. Therefore, neither Okamoto nor Bearden, individually or in combination, teach or suggest claim 10. Withdrawal of the rejection of claim 10 is respectfully requested.

For the reasons described above, claims 5, 6, 7, and 10 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

V. **Rejection of Claim 5 Under 35 U.S.C. §103(a)**

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kohzuki in view of Bearden. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 5 depends from claim 1. As described above regarding claim 1, Kohzuki does not teach delaying selected data of the data stream in said network by storing the selected data in memory buffers for a fixed delay amount to control the data rate to increase latency of the network, and determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table, as recited in claim 1. The addition of Bearden does not cure the deficiencies of Kohzuki to teach or suggest claim 1, from which claim 5 depends. Therefore, neither Kohzuki nor Bearden, individually or in combination, teach or suggest claim 5. Withdrawal of the rejection of claim 5 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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